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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/912,575
Filing Date: July 26, 2001
Appellant(s): KANG, SUNG-HO

Robert E. Bushnell (27,774)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 13, 2007 appealing from the Office

action mailed April 13, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,567,122   ANDERSON   5-2003

Droms, R. "RFC 2131 (rfc2131) - Dynamic Host Configuration Protocol", Internet

Archives, March 1997, pp. 1-33

"DHCP (Dynamic Host Control Protocol)", September 2000, Network World, Lightening

your load with DHCP

"What is DHCP?" - A word definition from the Webopedia Computer Dictionary, Last

modified September 2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 4, 5, 7, 10-13, 16, 19, 21, 22, are rejected under 35 U.S.C. 103(a) as

being unpatentable over Anderson et al. (hereinafter Anderson), U.S. Patent 6,567,122,

in view of Applicants Admitted Prior Art (AAPA).

In considering claims 1, 7, 13, and 19, Anderson teaches a network system and

method, comprising: At least one network unit (100) having a variable internet protocol

(IP) address and unique identification information, (col. 8, line 47 through col. 10, line

14, and col. 12, line 57, through col. 13, line 29); and an agent server (760), including a

communication unit for receiving said unique identification information and said variable

IP address from said at least one network unit, for transferring said unique identification

information and said variable IP address, and for receiving from a user unique

identification information of a network unit selected by the user, a database (1001)

connected to the communication unit for receiving and storing said variable IP address

and said unique identification information transferred from said communication unit, and

a control unit connected to said communication unit and to said database for receiving

from the user via said communication unit said unique identification information of said

network unit selected by the user, for searching said database for said variable IP

address of said at least one network unit on the basis of the unique identification

information received from the user, and for enabling the user to gain access to said

selected network unit in accordance with results of the searching of said database, (col.

8, line 47 through col. 10, line 14, and col. 12, line 57, through col. 13, line 29); wherein

said unique identification information includes at least one of an Ethernet address of

said at least one network unit, and a search keyword for said variable IP address of said

at least one network unit, (col. 9, lines 39-50).

Although the disclosed system and method taught by Anderson shows

substantial features of the claimed invention, it fails to expressly disclose: a dynamic

host configuration protocol (DHCP) server.

Nevertheless, Anderson suggests that a DHCP server is involved where

Anderson describes the network unit changing addresses each time it establishes an

Internet connection, (col. 9, lines 4-9, col. 12, line 57, through col. 13, line 12).

Furthermore DHCP servers were well known in the art at the time of the present

invention. The Applicant admits this in a discussion of the related art, (page 2,

paragraph 6).

Thus, if not implicit in the teachings of Anderson, it would have been obvious to a

person of ordinary skill in the art to modify the teachings of Anderson to show a DHCP

server responsive to a request from a network unit for assigning the variable IP address

to the network unit for a predetermined period of time. This would have allowed an

operator of the network unit to utilize the Internet at a lower rate as compared to the

higher rate of a fixed IP address, AAPA, page 2, paragraph 6.

In considering claims 4, 10, and 16, Anderson teaches said control unit receiving

at least one of said Ethernet address of said at least one network unit and said search

keyword for said variable IP address of said at least one network unit from the user over

said network and via said communication unit, comparing said at least one of said

Ethernet address of said at least one network unit and said search keyword for said

variable IP address of said at least one network unit with data stored in said database to

produce a match, and searching for said variable IP address when the match is

produced, (col. 9, lines 39-50).

In considering claims 5, 11, 12, and 22, Anderson teaches the data stored in the database being updated at regular time intervals. See col. 13, lines 1-12, and col. 14, lines 54-67.

In considering claim 21, Anderson teaches the unique identification information comprising at least one of an Ethernet address, and a search keyword corresponding to the network unit selected by the user, (col. 9, lines 39-50).

(10) Response to Argument

With regards to the rejection of claims 1, 7, 13, and 19 under 35 U.S.C. 103(a), appellant's first argue in the 2nd paragraph on page 14, that: "the single patent cited and applied by the examiner, Anderson et al. '122 does not disclose suggest or even mention a DHCP server as a part of the system disclosed in that patent". Examiner respectfully disagrees with appellant's assertion.

In the 3rd paragraph on page 14, appellant's acknowledge examiner has admitted in previous actions that although Anderson fails to expressly disclose a DHCP server, Anderson clearly suggests the use of a DHCP server where Anderson teaches a network unit (100) changing addresses each time it establishes an Internet connection, (Anderson, col. 9, lines 4-9 and col. 12, line 57 through col. 13, line 12). Further, although the portions of text of Anderson cited by the examiner fail to expressly mention the involvement of a DHCP server, examiner submits one of ordinary skill in the art would have clearly recognized that a DHCP server was being utilized in the teachings of

Anderson since, as in the teachings of Anderson, a DHCP server assigns a new

address to a device each time the device establishes an Internet connection. In

previous actions, Examiner believed appellant's would appreciate such DHCP teachings

were well known teachings of the prior art since appellant's even expressed such DHCP

teachings as teachings of the art prior to appellant's invention, (See appellant's

disclosure pg. 2, par. [0006]). Nevertheless, appellant chose to deny such teachings as

prior art, even accusing examiner of hindsight, indicating the only reason examiner was

able to modify the teachings of Anderson with the teachings of Appellant's Admitted

Prior Art (AAPA) was due to the fact that examiner had access to appellant's disclosure.

To quell appellant's concerns, in a previous action, examiner cited three

additional documents to prove DHCP servers were well known in the art. The first

document "Dynamic Host Configuration Protocol" dated March 1997 is a Request for

Comments (RFC) document that clearly shows using DHCP for automatic allocation of

reusable network addresses prior to appellant's claimed invention, (see abstract). The

second document "DHCP (Dynamic Host Control Protocol)" dated September 11, 2000

also teaches using DHCP for automatic allocation of addresses to a client prior to

appellant's claimed invention, (see 5th paragraph). The third document "What is

DHCP?" dated September 18, 2003 was provided by the examiner because it clearly

exemplifies the underlying details that are implicit, if not inherent, in the teachings of

Anderson. For example, as mentioned above, Anderson teaches a network unit (100)

changing addresses each time it establishes an Internet connection. In the same

passage, Anderson teaches the network unit establishing the connection by dial-up, and

being assigned an address by an ISP (70), (Anderson, col. 9, lines 4-9 and col. 12, line

57 through col. 13, line 12). Similar to the other two cited documents and the teachings

of Anderson, "What is DHCP?" also indicates DHCP is a protocol for assigning dynamic

IP addresses, (see 1st paragraph). Similar to the teachings of Anderson, "What is

DHCP?" further discloses many ISPs use dynamic IP addressing for dial-up users, (see

2nd paragraph). In the 3rd paragraph on page 15 of the appeal brief, appellant argues

"What is DCHP?" has a date which falls well after appellant's priority date. Examiner

submits that the date of the reference is irrelevant in this case since, for one, the date

indicated in the document merely identifies the last time the web page has been

modified, and two, the document is merely giving a definition for DHCP which, as clearly

indicated in the prior two documents, was well known at the time of appellant's claimed

invention.

With regards to the rejection of claims 1, 7, 13, and 19 under 35 U.S.C. 103(a),

appellant's further argue in the 2nd paragraph on page 16, that: "further considering the

portions of Anderson et al. ' 122 cited by the Examiner at page 7, lines 16-18 of the final

Office action, the patent does mention the use of ID server 760 to maintain a registry

1001 of relevant Internet addresses so as to solve the "unknown address" problem

encountered by users attempting to access another Internet location (for example, see

column 12, lines 57-67 of Anderson et al. '122). However, in the final Office action, the

Examiner has cited ID server 760 of Anderson et al. '122 as corresponding to the

claimed "agent server" (see page 6, line 18 of the final Office action). Thus, the ID

server 760 of Anderson et al. '122 cannot serve as a DHCP server in the Examiner's

scenario since, according to that scenario, the ID server 760 corresponds to the claimed

"agent server"."

In response to appellant's remarks above, examiner first submits there is no

mention of solving the "unknown address" problem in appellant's claimed invention.

Further, as mentioned in previous actions, examiner agrees with appellant that the ID

server of Anderson cannot serve as a DHCP server since it performs according to

appellant's claimed "agent server". As previously indicated above, Anderson suggests

the ISP (710) is utilizing a DHCP server to assign addresses to a network unit (100)

each time the network unit establishes an Internet connection (see Anderson, col. 9,

lines 4-9, col. 12, line 57, through col. 13, line 12, and Fig. 7, also see What is DHCP?).

With regards to the rejection of claims 1, 7, 13, and 19 under 35 U.S.C. 103(a),

appellant's further argue in the 2nd paragraph on page 18, that: "Anderson et al. '122

does not disclose or suggest the provision, transfer and use of "unique identification

information" comprising at least one of an Ethernet address and a search keyword for a

variable IP address of each network unit, as recited in claims 1, 7, 13 and 19. Examiner

respectfully disagrees with appellant's assertion.

In response to appellant's remarks above, as mentioned in previous actions,

examiner submits Anderson teaches the provision, transfer and use of "unique

identification information" comprising at least a URL (col. 9, lines 39-50). In previous

actions examiner has interpreted the URL to be at least one of an Ethernet address and

a search keyword for a variable IP address of each network unit. In response to
appellant's allegations that examiner provides no support for such an interpretation,
examiner once again directs appellant's attention to the cited passage of Anderson, (col.
9, lines 39-50). Examiner maintains one of ordinary skill in the art would clearly
recognize that a URL could be an Ethernet address since a URL is capable of
accessing devices in Ethernet networks. Examiner further maintains one of ordinary
skill in the art would also clearly recognize that a URL could be a search keyword since
a URL is merely a name that when transmitted to a Domain Name Server (DNS) from a
client, is used by the DNS to search for a corresponding IP address to transmit back to
the client in order to connect the client with an appropriate device associated with the
URL. Evidence of Anderson teaching the provision, transfer and use of "unique
identification information" comprising at least a search keyword is further provided
where Anderson teaches cataloging a devices unique identifier (e.g. Camera 100), and
a user using the unique identifier (i.e. search keyword) to gain access to the device,
(col. 12, line 57 through col. 13, line 12). Examiner thus maintains the interpretation
given in the previous actions was proper. Further, examiner submits appellant's
claimed invention fails to distinguish from the teachings of Anderson.

With regards to the rejection of claims 1, 7, 13, and 19 under 35 U.S.C. 103(a),
appellant's further argue in the 3rd and 4th paragraphs on page 19, that: "Anderson et al.
'122 does not disclose a communication unit for performing the functions recited in

independent claims 1 and 13". Examiner respectfully disagrees with appellant's assertion.

In response to appellant's remarks above, as indicated in previous actions, although Anderson does not explicitly teach a "communication unit", similar to appellant's claimed invention Anderson does teach an agent server (760) that receives and stores variable IP addresses, (col. 9, lines 39-50). Thus, examiner maintains it is implied if not inherent in the teachings of Anderson that Anderson is using a communication unit in the agent server that is similar to appellant's claimed communication unit. Examiner further maintains the claimed arrangement of elements for performing the functions recited in independent claims 1 and 13, as well as the steps recited in independent claims 7 and 19, fail to distinguish from the disclosed teachings of Anderson.

With regards to the rejection of claims 1, 7, 13, and 19 under 35 U.S.C. 103(a), appellant's further argue in the 3rd paragraph on page 20, that: Anderson et al. '122 does not disclose or suggest a control unit for performing the functions recited in independent claims 1 and 13. Examiner respectfully disagrees with appellant's assertion.

In response to appellant's remarks above, as indicated in previous actions, although Anderson does not explicitly teach a "control unit" connected to the "communication unit" and to the database or storing means, Anderson does teach an agent server (760) and database or storing means for receiving from the user unique

identification information comprising at least an Ethernet address and a search keyword

for a network unit selected by the user, (col. 9, lines 39-50). Thus, it is implied, if not

inherent, in the teachings of Anderson that a control unit is connected to a

communication unit and database or storing means in a manner similar to appellant's

claimed invention. Examiner further maintains the claimed arrangement of elements for

performing the functions recited in independent claims 1 and 13, as well as the steps

recited in independent claims 7 and 19, fail to distinguish from the disclosed teachings

of Anderson.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.
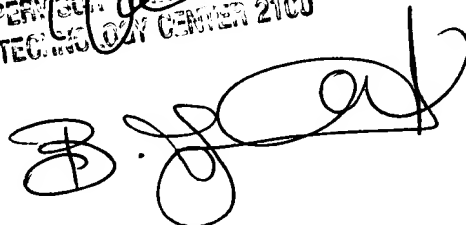
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